Regular Session, 2013

HOUSE BILL NO. 465

#### BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

**ENROLLED** 

ACT No. 253

| 1  | AN ACT  |
|----|---|
| 2  | To amend and reenact R.S. $32:393(B)(2)$ and $(C)(1)(b)$ and $414.2(A)(1)(c)$ and to enact R.S. |
| 3  | 32:414.2(A)(1)(d)(xi), relative to commercial driver's licenses; to provide for reports         |
| 4  | to be sent to the Department of Public Safety and Corrections regarding violations              |
| 5  | by holders of commercial driver's licenses; to provide relative to the disqualification         |
| 6  | of commercial driver's licenses; to provide for definitions; and to provide for related         |
| 7  | matters.  |
| 8  | Be it enacted by the Legislature of Louisiana:  |
| 9  | Section 1. R.S. 32:393(B)(2) and (C)(1)(b) and 414.2(A)(1)(c) are hereby amended                |
| 10 | and reenacted and R.S. 32:414.2(A)(1)(d)(xi) is hereby enacted to read as follows:              |
| 11 | §393. Persons charged with traffic violations; time for disposition, licenses, reports,         |
| 12 | and records to be sent to Department of Public Safety and Corrections, fee                      |
| 13 | charged; record of unpaid traffic fines and parking fines                                       |
| 14 | * * *   |
| 15 | В.  |
| 16 | * * *   |
| 17 | (2) Whenever the driver's license of any person is mandatorily suspended                        |
| 18 | under the provisions of R.S. 32:414, the court in which the conviction is had or in             |
| 19 | which bail is forfeited shall attach the license to a record of the conviction or bail          |
| 20 | forfeiture and shall forward both to the Department of Public Safety and Corrections,           |
| 21 | public safety services.   |
| 22 | * * *   |
| 23 | C.(1)   |
| 24 | * * *   |



CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

### **ENROLLED**

| 1  | (b) If such person is convicted and sentenced thereupon, or his bail is                  |
|----|--|
| 2  | forfeited as a result of a final judgment of forfeiture, or other final disposition be   |
| 3  | made, an abstract of the report, all parking convictions only excepted, shall be sent    |
| 4  | by the court or the district attorney, as the case may be, to the commissioner as        |
| 5  | <u>follows:</u>  |
| 6  | (i) not Not later than thirty days after the date of such person's conviction and        |
| 7  | sentencing thereupon, forfeiture of his bail and final judgment of forfeiture, or the    |
| 8  | final disposition of his case, if such person holds a Class "D" or "E" driver's license, |
| 9  | <u>or both</u> .   |
| 10 | (ii) In an electronic format not later than ten days after the date of such              |
| 11 | person's conviction and sentencing thereupon, forfeiture of his bail and final           |
| 12 | judgment of forfeiture, or the final disposition of his case, if such person holds a     |
| 13 | commercial driver's license or commercial driver's license permit, or both.              |
| 14 | (iii) This report shall not be a court record.   |
| 15 | (iv) A conviction shall be reported to the department regardless of whether              |
| 16 | the provisions of either Article 893 or 894 of the Code of Criminal Procedure are        |
| 17 | invoked.   |
| 18 | * * *  |
| 19 | §414.2. Commercial motor vehicle drivers and drivers with a commercial learner's         |
| 20 | permit; disqualification; issuance of Class "D" or "E" license; alcohol content          |
| 21 | in breath and blood; implied consent   |
| 22 | A.(1)  |
| 23 | * * *  |
| 24 | (c) As used in this Section;:  |
| 25 | (i) "alcohol Alcohol concentration" shall mean the concentration of alcohol              |
| 26 | in a person's blood, breath, or urine, or other bodily substance. When expressed as      |
| 27 | a percentage, alcohol concentration means the numbers of grams of alcohol per one        |
| 28 | hundred milliliters of blood, the number of grams of alcohol per two hundred ten         |
| 29 | liters of breath, the number of grams of alcohol per sixty-seven milliliters of urine,   |
| 30 | or their equivalents.  |

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| 1  | (ii) "Commercial driver's license" shall mean a commercial driver's license,            |
|----|---|
| 2  | a commercial learner's permit, or both, held by a person even if the holder of a        |
| 3  | commercial learner's permit holds a commercial driver's license for a class lower       |
| 4  | than the class for which he holds a commercial learner's permit.                        |
| 5  | (d) For the purposes of this Section, when operating a commercial motor                 |
| 6  | vehicle, "serious traffic violation" means conviction of any of the following:          |
| 7  | * * *   |
| 8  | (xi) Use of a handheld mobile telephone while driving a commercial motor                |
| 9  | vehicle. For purposes of this Item, "driving" shall include all times that a            |
| 10 | commercial motor vehicle is being operated on the highway, including while the          |
| 11 | vehicle is stationary on the highway due to traffic, a traffic control device, or other |
| 12 | momentary delays, but shall not include times when the vehicle is pulled to the side    |
| 13 | of, or off of, a highway, and is halted in a location where the vehicle can remain      |
| 14 | safely stationary.  |
| 15 | * * *   |

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

### PRESIDENT OF THE SENATE

### GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_